

III. REMARKS

Claims 1, 3, 4, 6-8, and 10-15 are pending in this application. Claims 1, 4, 8, and 11 are amended. Claims 12-15 are new. The Office's "Response to Arguments" appears to maintain rejections of claim 4 under 35 U.S.C. §101 and the Office requests clarification of the language of claim 1. Office Action p.2. Claims 1, 3-4, 8 and 10-11 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ishiguri (US 2002/0004837 A1) in view of Christenson (US 7117246 B2) and further in view of Meggido (US 6745231 B1). Claims 3, 6-7 and 10 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ishiguri in view of Christenson and further in view of Meggido further in view of Grobman et al. (USD 21004/0190722 A1) ("Grobman").

Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application.

A. REJECTION OF CLAIM 4 UNDER 35 U.S.C. §101

In the Office Action, claim 4 is apparently rejected under 35 USC 101 alleging "the claim needs to specify a computer-implemented device or computer readable storage medium that carries out the steps." See "Response to Arguments" in Office Action p. 2.

Without conceding the correctness of the Office's interpretation, and to facilitate early allowance of the pending claims, claim 4 is amended to recite, *inter alia*: "sending

said chunks as e-mails over the data transmission network to a plurality of relay MTAs defined in a predetermined list of relay MTAs, wherein each of said plurality of chunks is sent to a different one of the plurality of relay MTAs on the predetermined list such that each of said plurality of chunks is transmitted over a different pathway of the data transmission network." Support for this amendment may be found, for example, in the specification at page 3 lines 13-17 and page 4 lines 27-29.

The method requires the device "data transmission network" to be implemented. Accordingly, Applicant asserts that the bases for the Office's rejections have been obviated and respectfully request withdrawal of the rejection.

B. CLARIFICATION OF LANGUAGE CLAIM 1

In the Office Action, the Office states "clarification is required" with respect to the following language of claim 1: "a predetermined list of a plurality of different relay MTAs to which are forwarded said plurality of chunks." See "Response to Arguments" in Office Action p. 2.

Without conceding the correctness of the Office's interpretation, and to facilitate early allowance of the pending claims, claim 1 (and similarly claims 4 and 8) is amended to recite, *inter alia*: "a Message Transfer Agent (MTA) associated with said sender for transmitting over said network an original e-mail sent by said sender according to a predetermined list of a plurality of relay MTAs; said MTA associated with said sender including a message splitting means adapted to divide said original e-mail into a plurality of chunks according to a predetermined algorithm, wherein each of said plurality of chunks is forwarded to a different one of the plurality of relay MTAs on the

predetermined list such that each of said plurality of chunks is transmitted over a different pathway of the data transmission network, and wherein message splitting means divides the plurality of chunks of the original e-mail at the character level.” Support for this amendment may be found, for example, in the specification at page 4 lines 23-24.

Accordingly, Applicant asserts that the bases for the Office’s objection has been obviated and respectfully request withdrawal of the objection.

C. REJECTION OF CLAIMS 1, 3, 4, 6-8, and 10-14 UNDER 35 U.S.C. §103(a)

In the Office Action, claims 1, 3-4, 8 and 10-11 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Ishiguri in view of Christenson and further in view of Meggido. Office Action pp. 3-6. Claims 3, 6-7 and 10 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Ishiguri in view of Christenson and further in view of Meggido further in view of Grobman. Office Action pp. 6-7. Specifically regarding the Office’s rejections of claim 1 (and similarly claims 4, 8 and 11), Applicant submits the combined references fail to teach or suggest each and every feature of claim 1 (and similarly claims 4, 8 and 11), as amended.

Claim 1 (and similarly claims 4, 8 and 11), as amended, recites: “said MTA associated with said sender including a message splitting means adapted to divide said original e-mail into a plurality of chunks according to a predetermined algorithm and a predetermined list of a plurality of different relay MTAs to which are forwarded said plurality of chunks, wherein each of said plurality of chunks is forwarded to a different one of the plurality of different relay MTAs on the predetermined list such that each of

said plurality of chunks is transmitted over a different pathway of the data transmission network, and wherein message splitting means divides the plurality of chunks of the original e-mail at the character level.” Support for these amendments may be found, for example, in the specification at page 6 lines 9-10.

A review of Ishiguri, Christenson, Megiddo, and Grobman does not reveal a teaching or suggestion of this limitation. For example, Ishiguri at paragraph [0032] discusses “As shown in FIG. 2B, the transmission data 31 is stored in the transmission memory in such a manner as to be divided into divisional transmission data 32a-32d each having 17 characters, that is, 20 characters of the limit character number minus three characters (bytes) that is used for a header indicating divisional information. The number of characters of the last divisional transmission data 32d may be smaller than the limit character number 17 depending on the number of characters in the mail body.” As further example, Megiddo at c.4 l.19-21 discusses “The system, resident in user A’s 302 PC, splits the outgoing e-mail message into two pieces M1 304 and M2 306.” Thus Ishiguri and Megiddo do not discuss “divid[ing] ... the original email at the character level” as the limitation of the “plurality of chunks.” Christensen and Grobman do not cure the deficiencies.

Accordingly Ishiguri, Christenson, Meggido, and Grobman do not teach or suggest each and every feature of applicant’s claimed invention. Therefore, Applicant submits that claim 1 (and similarly claims 4, 8 and 11) is patentable over Ishiguri, Christenson, Meggido, and Grobman whether viewed alone or in any combination.

Claims 12-15 are new. Claim 12 (and similarly claims 13-15) recites: The system according to claim 1, wherein the predetermined algorithm is “chunk # = 1 + <order

number of the character> module x". Support for this amendment may be found, for example, in the specification at page 6 lines 10-14.

With respect to the dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependent claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

IV. CONCLUSION

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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